



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MRM:KPO
F. #2025R00053

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 12, 2025

By E-Mail and ECF

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Re: United States v. Dimitriy Nezhinskiy and Juan Villar
Criminal Docket No. 25-40 (WFK)

Dear Counsel:

Enclosed please find discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure.” The government also requests reciprocal discovery from the defendant.

I. The Government’s Discovery

A. Statements of the Defendant

Videos from the arrests and statements from each defendant will be sent separately to their respective counsel:

- For both defendants, FBI body worn camera, DNJV_00000001 – DNJV_00000012.
- For Dimitriy Nezhinskiy only, DNJV_00000013-DNJV_00000016.
- For Juan Villar only, DNJV_00008225-DNJV_00008227

B. The Defendant's Criminal History

Records pertaining to the criminal history of each defendant will be sent separately to their respective counsel.

- For Dimitriy Nezhinskiy only, DNJV_00000017-DNJV_00000027.
- For Juan Villar only, DNJV_00000028-DNJV_00000036.

C. Documents and Tangible Objects

Please find enclosed the following materials:

- Two affidavits and applications in support of search warrants for information associated with two iCloud Accounts, bearing Bates numbers DNJV_00000037-DNJV_00000107. Materials provided in response bear Bates number DNJV_00008767.
- Affidavits and applications in support of search warrants for information associated with cellular devices ending in -1237, -3247, -6406 and -8811 bearing Bates numbers DNJV_00000133-DNJV_00000465. Materials provided in response bear Bates numbers DNJV_00000466-DNJV_00000495 and DNJV_00008254.
- An affidavit and application in support of a search warrant for the search of a black iPhone, bearing Bates numbers DNJV_00000496-DNJV_00000594.
- An affidavit and application in support of a search warrant for the search of storage units located in New Jersey, bearing Bates numbers DNJV_00000595-DNJV_00000673, and photographs from the execution of this search warrant, bearing Bates numbers DNJV_00000740-DNJV_00000747.
- An affidavit and application in support of a search warrant for the search of Big Apple General Buyers located in New York, bearing Bates numbers DNJV_00000674-DNJV_00000739, and photographs from the execution of this search warrant, bearing Bates numbers, DNJV_00008256-DNJV_00008766.
- Information about Big Apple General Buyers, bearing Bates numbers DNJV_00000108-DNJV_00000132.
- License plate data for a grey Mazda, bearing Bates numbers DNJV_00000748-DNJV_00000763.

- Pole camera footage with video near Big Apple General Buyers, bearing Bates number DNJV_00008255.
- Materials provided by:

American Express	DNJV_00000764- DNJV_00003098
CubeSmart	DNJV_00003099- DNJV_00003242
J.P. Morgan Chase	DNJV_00003243- DNJV_00007195
T-Mobile	DNJV_00007196- DNJV_00007232
Verizon, Inc.	DNJV_00007233- DNJV_00008224

- Video and audio recordings of sales to defendants on the following dates:

Date	Bates Number
October 18, 2022	DNJV_00008247
November 28, 2022	DNJV_00008248
January 4, 2023	DNJV_00008249
July 5, 2023	DNJV_00008250
September 13, 2023	DNJV_00008251
November 2, 2023	DNJV_00008252
January 31, 2024	DNJV_00008253
July 25, 2024	DNJV_00008254
August 1, 2024	DNJV_00008255

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

A New York City Police Department firearm trace report, bearing Bates numbers DNJV_00008225 and an additional firearm trace report, bearing Bates numbers DNJV_00008226-DNJV_00008227.

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

With respect to Overt Act (a) of Count One and Count Two, the witness who reported the relevant stolen merchandise as having been sold to Nezhinskiy and Villar, had previously reported to law enforcement (on or about August 18, 2021) that the merchandise had been sold to an individual named Junior, who operated at business at 47 47th Street, New York, New York.

At this time, with the exception of the information set forth in the paragraph above, the government is unaware of any other Brady material. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made

in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

III. Emails Sent and Received by Defendants Incarcerated at a Bureau of Prisons Facility

The government may request that the Bureau of Prisons ("BOP") produce to the government emails sent and received by the defendant during his/her period of incarceration at a BOP facility (collectively, "BOP email communications"). Although it is the government's position that BOP email communications, including those between the defendant and his attorneys and other legal assistants and paralegals on their staff, are not privileged communications, in most instances, the government will request that the BOP exclude from any production communications between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, if you provide the full email addresses for such attorneys, legal assistants and paralegals by February 28, 2025. To enable this process, the government requests that you send an email to the undersigned Assistant U.S. Attorneys with the list of email addresses in the body of the email. If you subsequently wish to provide an email address for an additional attorney, legal assistant or paralegal or change any of the previously-provided email addresses, you should send an email with the complete list of email addresses, including email addresses that remain unchanged, in the body of the email.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

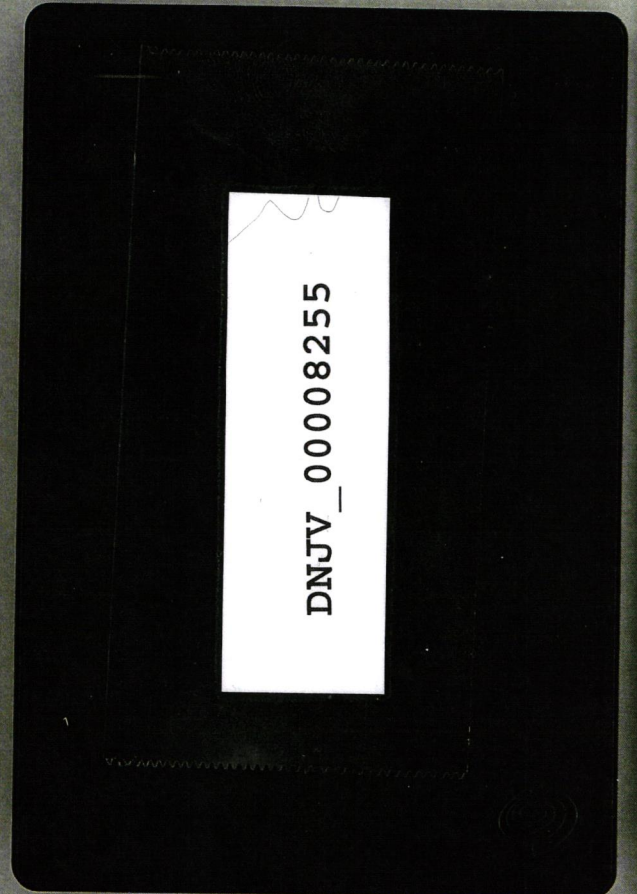
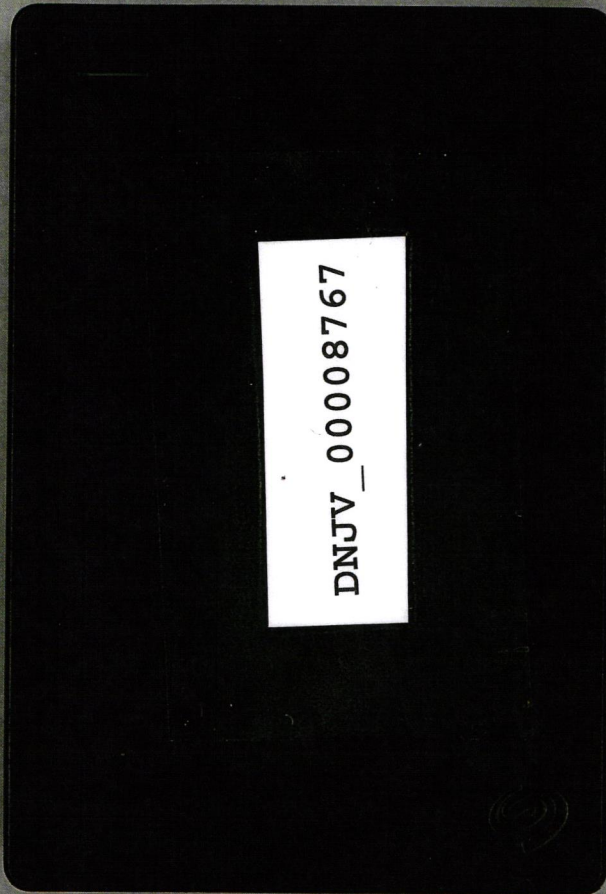
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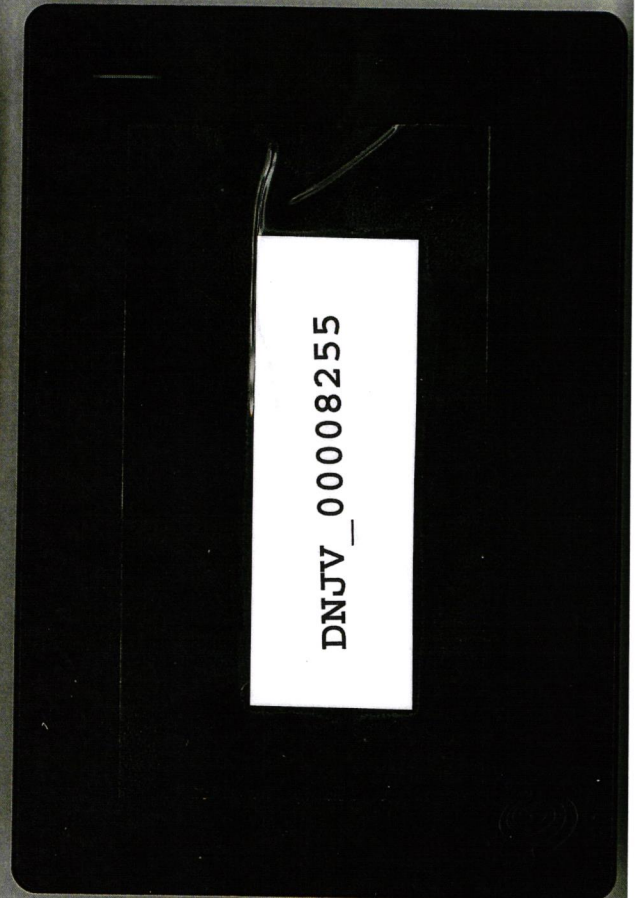
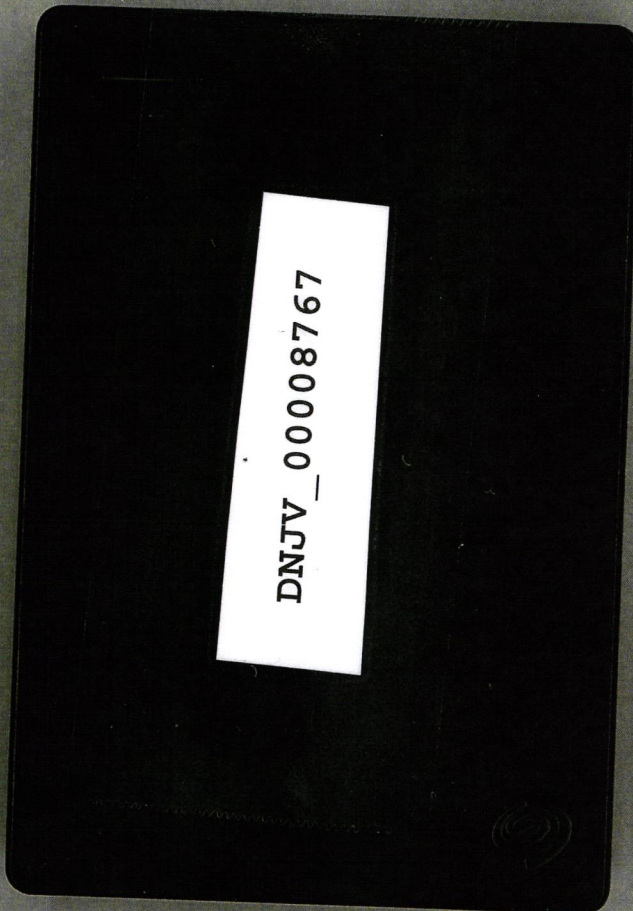
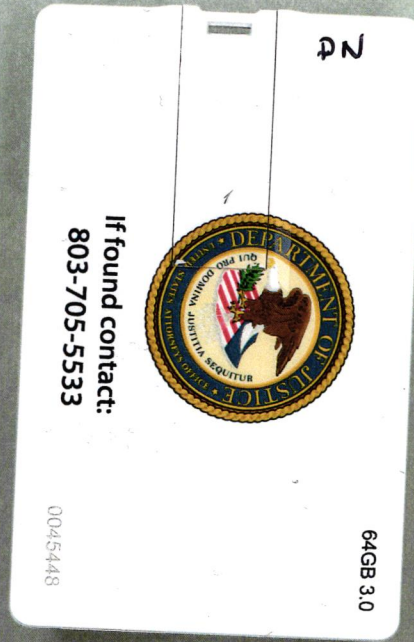
JOHN J. DURHAM
United States Attorney

By: /s/ Michael Maffei
Michael Maffei
Katherine P. Onyshko
Sean M. Sherman
Assistant U.S. Attorneys
(718) 254-7000

Enclosures

cc: Clerk of the Court (WFK) (by ECF) (without enclosures)





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TO DAVID M. ESKEW ABELL ESKEW LANDAU LLP 256 5TH AVENUE STE 5TH FLOOR NEW YORK NY 10001 (646) 970-7342 INV REF:	DEPT:
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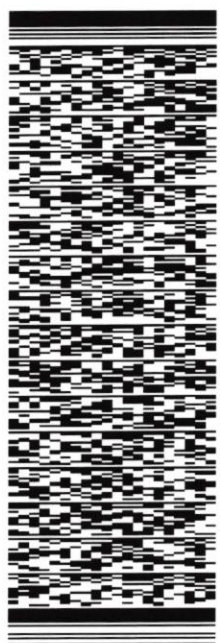
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